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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on:- 29th August, 2018

+ CRL. M.C. 1444/2016 & Crl. M.A. 6171/2016

GARIMA JAIN

..... Petitioner

Through: Mr. A.K. Jain, Adv.

versus

RAJ KUMAR SINGHAL

..... Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER (ORAL)

1. The petitioner is facing criminal prosecution in criminal complaint case (no. 259/1/15) which was instituted by the respondent on the allegations of offence under Section 138, Negotiable Instruments Act, 1881 having been committed qua the cheque statedly of the value of Rupees Three lakhs. The complainant was concededly examined as witness and tendered for cross-examination. The petitioner as accused later changed counsel who moved an application for recall of the said witness under Section 311 of the Code of Criminal Procedure, 1973 (Cr.P.C.) to the effect that the cross-examination conducted was deficient and certain further questions respecting the defence of the accused had not been put. This prayer was declined by the Metropolitan Magistrate by order dated

05.10.2015. The matter was challenged before the court of sessions in revision by criminal revision (Cr.R. 38/15) unsuccessfully as the said petition was dismissed on 10.02.2016. The present petition was brought thereafter to challenge the said orders of the courts below. By order dated 18.04.2016, the final judgment in the complaint case was stayed.

2. Having heard the learned counsel for the petitioner, one more opportunity is granted for further cross-examination of the complainant but subject to costs of Rs. 20,000/-, which shall be deposited with District Legal Services Committee. Upon proof of such deposit being shown to the trial court, it shall fix an appropriate date for the witness to be tendered for further cross-examination. It is made clear that no further adjournment will be sought by or granted to the petitioner for such purposes.

3. The petition and accompanying application are disposed of with these observations.

R.K.GAUBA, J.

AUGUST 29, 2018

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